

REMARKS

At the outset, Applicants wish to thank Examiners Ade and Rudy for the courtesies extended to Applicants' undersigned representative at the November 15, 2007 personal interview. The interview was helpful in clarifying the issues in this case, and in identifying claimed features that potentially define over the cited art (the *Shore* and *Business* references discussed below). During the interview, claims 7 and new independent claim 56 were discussed, and tentative agreement was reached that these claims may define over the prior art. Applicants submit the present paper in the hopes of placing the present application in condition for allowance.

In the Office Action, claims 1, 2, 4-21, 23, 25-41 were pending. Upon entry of the present paper, claims 1-2, 4-6, 10-21, 23, 25-41 are canceled without prejudice or disclaimer, and new claims 42-68 are added. Claims 7-9 and 42-68 are now pending in this application. No new matter is introduced with these amendments. The treatment of the claims in the Office Action was as follows:

- claims 1, 2, 4-21, 23, 25, 26 and 28-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged combination of Shore (U.S. Patent Pub. No. 2003/0149662, hereinafter *Shore*) and Business Editors and High-Tech Writers (March 2000, hereinafter *Business*);
- claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged three-way combination of *Shore*, *Business*, and Wright et al. (U.S. Publication No. 2002/0178062 A1, hereinafter *Wright*); and

- claims 40 and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over an alleged three-way combination of *Shore*, *Business*, and Turtiainen (U.S. Patent No. 6,430,407, hereinafter *Turtiainen*).

Applicants respectfully traverse these grounds of rejection, especially as they may be applied to the new claims.

I. Independent Claim 7 and Dependent Claims 8-9

Independent claim 7 has not been amended herein, and stands rejected under an alleged combination of *Shore* and *Business*. This claim recites, among other features, the following (emphasis added):

a logic mechanism coupled to the computer and vendor device configured to cause transmission of a program to take control of a wireless mobile device's menuing, interaction and display functions to extend the vendor device's display interface to said mobile device, the transmission occurring via the wireless transmission channel port of the computer to a compatible wireless transmission channel port on a wireless mobile device automatically when the wireless mobile device enters a transmission range of the wireless transmission channel port.

As discussed during the interview, none of the references of record teach or suggest the claim 7 system, with the recited transmission of a “program to take control of a wireless mobile device ..., to extend the vendor device’s display interface to said mobile device, ... automatically when the wireless mobile device enters a transmission range” Neither *Business* nor *Shore*, alone or in combination, teaches or suggests the recited transmission of such a program. As discussed during the interview, *Business* merely notes the “[y]ou can even buy a can of coke from a vending machine, all with your cell phone,” without any specific teaching of how this would technically occur, or of any recited extending of the vendor device’s display interface to the mobile device.

The *Business* reference also notes the use of WAP (Wireless Application Protocol) technology, with DST (Distributed Services Technology), to customize how a web site is viewed on a cell phone based on the cell phone's type, browser version and connection speed, but there is no mention of the claimed program, or extending the vendor device's interface to the mobile device. Indeed, the discussion of WAP/DST in *Business* is not even related to the earlier quote about buying the can of Coke. There certainly is no teaching or suggestion of the recited program and extending the vendor device's display interface to a mobile device, as recited.

The Office Action relies on *Business* for the recited "automatic" transmission, specifically citing the DST (Distributed Services Technology) mentioned in *Business*. The DST "automatically tailors the format and level of detail of a web site to each individual user," but this passage says nothing about when that automatic tailoring occurs. There certainly is no teaching or suggestion of transmitting the recited program "automatically when the wireless mobile device enters a transmission range of the wireless transmission channel port," as recited.

Shore, does not overcome these deficiencies. The Office Action relies on *Shore* for the general notion of automatic transmissions (combining it with the program allegedly shown in *Business*). Specifically, the Office Action cites *Shore* Fig. 6, and paragraphs 75, 83 and 102-116 to allegedly show replacing a man-machine interface while the mobile device is within the transmission radius of the vendor device (addressing claims beyond just claim 7).

None of these portions teaches or suggests the recited transmission. Figure 6 shows the eTicket software components, but does not describe the recited transmission timing.

Paragraph 75 describes Fig. 1f, showing the data sequence in *Shore*, and from this figure it is clear that the *Shore* eTicket is not sent "automatically when the wireless mobile device enters a transmission range," as recited. Instead, the PC Client 1010 (not part of the PDA 700,

which is cited to show the claimed mobile device), must first send the request to the Ticket Server 1000 before the eTicket is sent to the PDA 700, and this all occurs at the user's home, before he/she actually goes to the theater. See, e.g., *Shore*, Fig. 12d (downloading ticket to PDA from the user's own PC in step 452).

Paragraph 83 is no better. In paragraph 83, Shore outlines the hardware components of a mobile phone, but there is no teaching or suggestion of the recited transmission timing.

Finally, paragraphs 102-116 generally describe software components and features in *Shore*, but they do not teach or suggest the recited transmission timing. Indeed, these paragraphs do not even mention a transmission range, or automatic transmission when a wireless mobile device enters a transmission range, as recited. Presumably, these paragraphs do not mention the timing because the data sequence is already discussed with respect to Fig. 2, discussed above.

Neither *Shore* nor *Business* teaches or suggests the recited transmission. Accordingly, Applicants submit that claim 7, as previously presented, is distinguishable over the applied references. Claims 8-9 depend from claim 7, and are distinguishable for at least the same reasons as claim 7, and further in view of the various features recited therein.

So for the reasons articulated above, Applicants submit that claims 7-9 are in condition for allowance. However, if any new ground of rejection is applied to these claims in the next Official Action, Applicants submit that any such Office Action cannot be made final, since claims 7-9 are not amended herein. *MPEP* 706.07(a).

II. Independent Claims 42 and 50, and Dependent Claims 43-49 and 51-57

New independent claims 42 and 50 recite, among other features, “in response to detecting the presence of the mobile device, sending a local wireless transmission from the vendor device to the mobile device, said local wireless transmission including a program to take control of one

or more interface functions of the mobile device and extend a vendor device interface to the mobile device.” As discussed above, none of the cited references teaches or suggests the recited extending of a vendor device interface to a mobile device. Applicants submit that independent claims 42 and 50 are distinguishable as well. The *Business* reference does not even mention or show a vendor device interface, much less the recited extension of one. The *Shore* reference also does not extend such an interface. Instead, *Shore*’s Fig. 12d shows the PDA downloading the ticket from the user’s own PC, without any discussion of the recited extending of an interface.

Applicants submit that new claims 42 and 50 distinguish over the art of record, and are in condition for allowance. Claims 43-49 and 51-57 depend from claims 42 or 50, and are distinguishable for at least the same reasons as their base independent claim, and further in view of the various features recited therein.

III. Independent Claim 58 and Dependent Claims 59-63

New independent claim 58 recites the following:

in response to detecting the presence of the mobile device,
 automatically take control over interface functionality of the
 mobile device and alter a menu of the mobile device to
automatically display a listing of products available for sale by the
vending machine on the mobile device, and to extend an interface
of the vending machine to the mobile device.

The claim recites “extend an interface of the vending machine to the mobile device,” and as discussed above, none of the cited references teach or suggest such an extension of an interface.

Claim 58 also recites “alter a menu of the mobile device to automatically display a listing of products ...” None of the references teach or suggest altering the mobile device’s menu as recited. *Business* does not discuss menus at all (it simply includes a quote that in Finland you

can buy a can of coke with your cell phone), and *Shore* just downloads an eTicket to the PDA (Fig. 12d, step 452) while at the user's PC, with no teaching or suggestion of altering a menu, as recited.

Applicants submit that new claim 58 distinguishes over the art of record. Claims 59-63 depend from claim 58, and are distinguishable for at least the same reasons as claim 58, and further in view of the various features recited therein. For example, claim 60 recites "[maintaining] a connection with the mobile device for a predetermined period of time after the mobile device leaves the wireless transmission range of the local wireless port," while claim 61 recites granting temporary Internet access, neither of which is shown in the cited art.

IV. Independent Claim 64, and Dependent Claims 65-66

New independent claim 64 recites, among other features,

... in response to detecting the presence of the mobile device,
sending a local wireless transmission from the vending machine to
the mobile device, said local wireless transmission including a
listing of products available for purchase from the vending
machine ... and

said vending machine temporarily sharing an Internet connection
with the mobile device via the local wireless port in connection
with the purchase request and a listed product from the vending
machine.

None of the references teaches or suggests such a vending machine temporarily sharing an Internet connection ... in connection with the purchase request and a listed product from the vending machine, as recited. The *Business WAP/DST* discussion addresses a user accessing the Internet via their cell phone company, with no suggestion of temporarily sharing a vending machine's connection in the manner recited. As for *Shore*, the PDA is simply used as a repository for the eTicket after it has been purchased using the user's PC (Fig. 12d, step 452),

and there is no teaching or suggestion of having a vending machine temporarily share an Internet connection, in the manner recited.

Applicants submit that new claim 64 distinguishes over the art of record. Claims 65-66 depend from claim 64, and are distinguishable for at least the same reasons as claim 64, and further in view of the various features recited therein.

V. Independent Claim 67, and Dependent Claim 68

New independent claim 67 recites, among other features, the following:

wirelessly receiving a purchase request from the mobile device and indication that payment for a listed product has been made using a card reader on the mobile device; and

dispensing a listed product from the vending machine in response.

No such purchase request, with the recited indication, is received in the cited references. *Business* does not discuss any detail on its Coke transaction, and *Shore* does not use a card reader on a mobile device (it just stores the purchased eTicket on the PDA, after the user has used his/her PC to buy the eTicket).

Applicants submit that new claim 63 distinguishes over the art of record. Claim 68 depends from claim 67, and are distinguishable for at least the same reasons as claim 67, and further in view of the various features recited therein. To illustrate, claim 67 recites “wherein a user of the mobile device making said purchase of said product is anonymous to the vending machine.” Previously-pending claim 41 recited an “anonymous” feature, and in rejecting that claim, the Office Action continued to rely on *Turtiainen*. As Applicants noted earlier, the entire purpose of the *Turtiainen* SIM card is to identify and authenticate the user, and its use with *Shore* or *Business* would not allow the user to remain anonymous to the vending machine. “SIM” stands for “Subscription Identification Module.” See col. 4, line 53 (for “SIM”) and the

Background and Summary for general discussion of authentication. If this rejection is maintained, Applicants request clarification of how identifying and authenticating a user allegedly renders obvious the claimed anonymous feature.

VI. Conclusion

For at least the reasons set forth above, Applicants respectfully submit that pending claims 7-9 and 42-68 distinguish over the art of record, and are in condition for allowance. Should the Examiner wish to have further discussion and/or amendment, the Examiner is invited to telephone the Applicants' undersigned representative at the number appearing below.

Respectfully submitted,

Date: December 10, 2007

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